

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
NS of Clark Blvd., 15 ft. E of the c/l of Superior Avenue
1843 Clark Blvd.
13th Election District
1st Councilmanic District
Ray A. Palacios, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-19-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Ray E. Palacios and Carolyn Palacios, his wife, for that property known as 1843 Clark Boulevard in the southwest section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow an attached structure (garage) with a side street setback of 17 ft. in lieu of the required 25 ft., in a D.R.5.5 zone. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

ORDER RECEIVED FOR FILING

Date

By

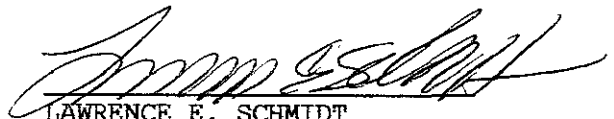
8/14/98
Jm. G. Wade

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14TH day of August 1998, that the Petition for a Residential Variance from Section 1B02.3.C.1 of the BCZR to allow an attached structure (garage) with a side street setback of 17 ft. in lieu of the required 25 ft., in a D.R.5.5 zone, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECORDED FOR FILING
8/14/98
BY: M. G. GORAN

LES:mmm



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

August 13, 1998

Mr. and Mrs. Ray E. Palacios
1843 Clark Boulevard
Baltimore, Maryland 21227

RE: Petition for Administrative Variance
Case No. 99-19-A
Property: 1843 Clark Boulevard

Dear Mr. and Mrs. Palacios:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1843 Clark Blvd
which is presently zoned DR 5.5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 to permit

an attached garage with a side street setback of 17' in lieu of the Required 25'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

This is not sufficient property elsewhere to attach garage to house

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s).

Ray E Palacios
(Type or Print Name)

Ray E. Palacios
Signature

CAROLYN PALACIOS
(Type or Print Name)

Carolyn Palacios
Signature

Renato Palacios
(Type or Print Name)

Renato Palacios
Signature

1843 Clark Blvd 410-2473444
Address Phone No

Beth MD 21227
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County this ___ day of ___, 19__ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two new papers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: JRF DATE: 7/13/98

ESTIMATED POSTING DATE: 7-26-98



Printed with Soybean Ink
on Recycled Paper

ITEM #: 19

99-19-A

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1843 CLARK BLVD
address
Balt Md. 21227
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Thier is not sufficient property elsewhere to attach
garage to house

I have an antique car that needs to be
garage kept

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

CAROLYN PALACIOS
Carolyn Palacios
(signature)
Carolyn Palacios
(type or print name)



Ray E. Palacios
(signature)
Ray E. Palacios
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of July, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ray E. Palacios

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7/3/98
date

Heather Vaughn
NOTARY PUBLIC

My Commission Expires:

HEATHER VAUGHN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 6, 2002

A-PI-PP

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1843 CLARK Blvd
address
Balt Md. 21227
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

There is not sufficient property elsewhere to attach
garage to house.

I have an antique car that needs to be
garage kept

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

CAROLYN PALACIOS
Carolyn Palacios
(signature)
Carolyn Palacios
(type or print name)



Ray E. Palacios
(signature)
Ray E. Palacios
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of July, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ray E. Palacios

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7/3/98
date

Heather Vaughn
NOTARY PUBLIC

My Commission Expires:

HEATHER VAUGHN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 6, 2002

A-91-PP



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1843 Clark Blvd
which is presently zoned DR 5.5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 To permit an attached garage with a side street setbacks of 17' in lieu of the required 25'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

there is not sufficient property elsewhere to attach garage to house

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee.

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: JPF DATE 7/13/98

ESTIMATED POSTING DATE: 7-26-98



Printed with Soybean Ink
on Recycled Paper

ITEM #: 19

99-19-A

EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 1843 CLARK BLVD.
(address)

Beginning at a point on the NORTH side of
(north, south, east or west)

CLARK BLVD. which is 45 feet
name of street on which property fronts (number of feet of right-of-way width)

wide at the distance of 15 feet EAST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street SUPERIOR AVE.
(name of street)

which is 30 feet wide. *Being Lot # —,
(number of feet of right-of-way width)

Block —, Section # — in the subdivision of —
(name of subdivision)

as recorded in Baltimore County Plat Book # —, Folio # —,

containing 14,274 square feet. Also known as 1843 Clark Blvd.
(square feet or acres) (property address)

and located in the 13th Election District, 1 Councilmanic District.

#19
*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber —, Folio —" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E.87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

99-19-A -13-

A-01-PP

BALTIMORE COUNTY, MAF AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 056189

DATE 7-13-98 ACCOUNT R-001-015-000

AMOUNT \$ 50.00 CK # 0889

RECEIVED FROM: Pay Palacios

Item # 19

FOR: 01--Variance
1843 Clark Blvd. Taken by: JRF

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ORIGINAL THE

7/13/1998 7/13/1998 10:00

REFUNDED CASHIER CLERK ENL. INVOICE

5 MISCELLANEOUS CASH RECEIPT

Receipt # 056057

CR NO. 056189

50.00 DOLLAR

Baltimore County, Maryland

99-19-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 99-19-A
Petitioner/Developer:
(Ray Palacios)
Date of ~~Posting~~/Closing:
(August 10, 1998)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____

1843 Clark Blvd. Baltimore, Maryland 21227 _____

The sign(s) were posted on _____ July 24, 1998 _____
(Month, Day, Year)

Sincerely,

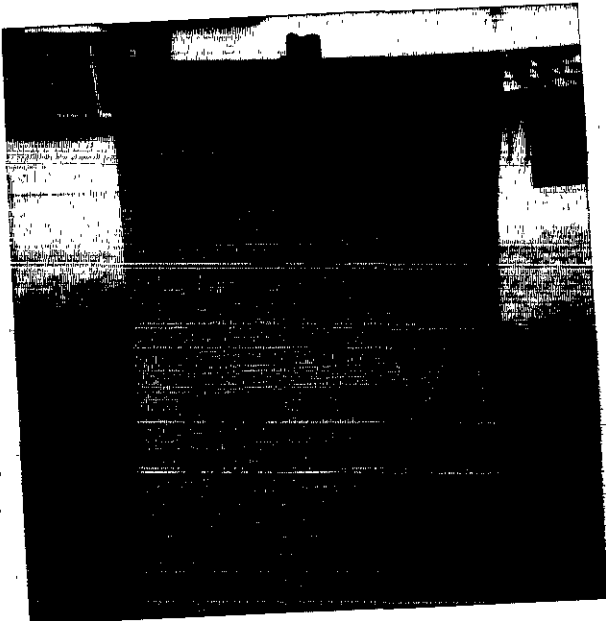

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 19 -A Address 1843 Clark Blvd. Balto. Md. 212

Contact Person: Jun R. Fernando Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7-13-98 Posting Date: 7-26-98 Closing Date: 8-10-98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet 0to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 99- 19 -A Address 1843 Clark Blvd. Balto. Md. 2122

Petitioner's Name Ray Palacios Telephone 410-247-3494

Posting Date: 7-26-98 Closing Date: 8-10-98

Wording for Sign: To Permit an attached garage with a side street
setbacks of 17' in lieu of the required 25'.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 19

Petitioner: Ray Palacios

Address or Location: 1843 Clark Blvd Balt Md. 21227

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ray Palacios

Address: 1843 Clark Blvd

Balt Md. 21227

Telephone Number: 410-247-3494

Revised 2/20/98 - SCJ

99-19-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 5, 1998

Mr. & Mrs. Ray Palacios
1843 Clark Boulevard
Baltimore, MD 21227

RE: Item No.: 19
Case No.: 99-19-A
Location: 1843 Clark Boulevard

Dear Mr. & Mrs. Palacios:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 13, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in dark ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 10, 1998

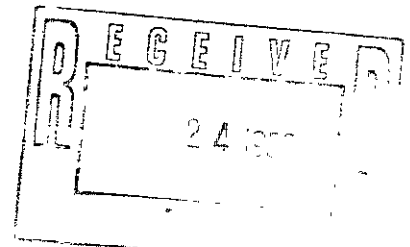
FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 3, 1998
Item Nos. 019, 021, 022, 023, 024,
and 029

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File



ZONE0803.NOC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 7.24.91
Item No. 019 JRF

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: POM
FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

DATE: 7/27/98

SUBJECT: Zoning Advisory Committee
Meeting Date: 7/27/98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

(19) 24
20 25
21
22

RBS:sp

BRUCE2/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

*Adm
✓
8/10*

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: July 28, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

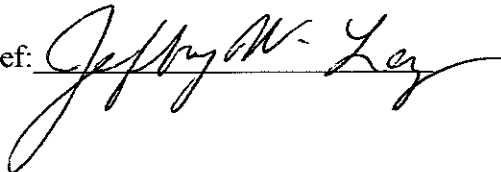
SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 19, 21 and 23

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

Section Chief:



AFK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF RECREATION AND PARKS

Inter-Office Memorandum

To: Don Rascoe
Permits and Development Mgt.

Date: August 3, 1998

From: Jean Tansey



Subject: ZAC Agenda 8/3/98

This will confirm that the Department of Recreation and Parks has no comments on the ten projects (Items 019, 026, 029, 030) listed on the 8/3/98 DRC Agenda.

/js

SW 7-D

1" = 200'

S 25,000

CEDAR AVE.

D.R. 19.5

RUBY AVE.

SUPERIOR AVE.

CLARK AVE.

SUPERIOR HTS.

D.R. 5.5

PALO COURT

CIRCLE

SOUTHWESTERN WASHINGTON

BALTIMORE BLVD. (1845 BLVD.)

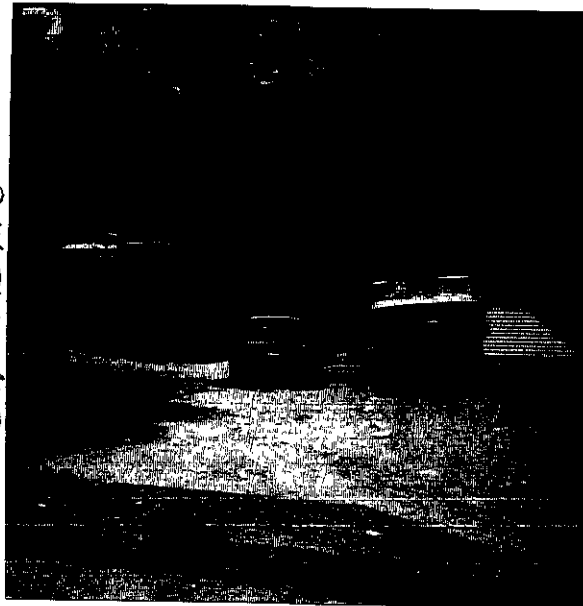
ML-1M

BL

D.R. 5.5

99-19-A

Serpent Ave



1843 CLARK Blvd
Site yard + proposed location

99-19-A



2919A

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION	SHEET
1" = 200'			
DATE OF PHOTOGRAPHY JANUARY 1966		HALETHORPE 1	S.W. 7-D